

REMARKS

Claims 5-14, 16-20 and 22-26 are pending in this application. By this Amendment, claims 16-20 are amended. The amendments introduce no new matter. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Hirl in the October 18, 2007 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

As an initial matter, Applicants offer the following clarification regarding the Examiner's Summary of Interview mailed October 23, 2007. Applicants' representative discussed how the pending claims can not be interpreted in any reasonable manner that would allow the applied reference to read on them, as discussed further below.

The Office Action rejects claims 16-20 and 22-26 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. This rejection is respectfully traversed.

The rejection of at least claims 22-26 is in error as those claims are directed to methods, which cannot reasonably be considered as computer programs *per se*. This argument was discussed during the October 18, 2007 personal interview with the Examiner. The Examiner agreed that the rejection of at least claims 22-26 appeared to be incorrect. Applicants appreciate this indication by the Examiner.

Accordingly, withdrawal of the rejection of claims 22-26 under 35 U.S.C. §101 is respectfully requested.

Claims 16-20 are amended to recite a computer readable storage medium, rather than a computer program product. These amendments were discussed during the October 18, 2007 personal interview with the Examiner. The Examiner agreed that the proposed amendments

to claims 16-20 appeared to overcome the rejection of those claims under 35 U.S.C. §101.

- Applicants appreciate this indication by the Examiner.

Accordingly, reconsideration and withdrawal of the rejection of claims 16-20 under 35 U.S.C. §101 are respectfully requested.

The Office Action rejects claims 5-14, 16-20 and 22-26 under 35 U.S.C. §102(b) over BrainMaker (California Scientific Software, Neural Network Simulation Software User's Guide and Reference). This rejection is respectfully traversed.

The present subject matter involves managing knowledge acquired by individuals from personal experiences. This involves inputting knowledge (which may be explicit knowledge and tacit knowledge) acquired from a personal experience, in various forms, concerning acquisition and use of experience-knowledge possessed by an individual by, for example, electronic questionnaire or the like, and analyzing the knowledge automatically. The knowledge may then be associated with a business activity and a knowledge process, to make clear the state that the knowledge acquired from the experience has been propagated and reused, and to provide cases as sources of the knowledge acquired from the experience, cases of reuse of the knowledge, and contextual information for sharing and reusing the knowledge, so as to make it easy to share and reuse the knowledge. This may also involve providing a graphical representation in which knowledge acquired from experiences can be looked over to make it easy to know the distribution and reuse state of experience-knowledge in an organization or an enterprise.

BrainMaker is a User's Guide for a Neural Network Simulation Software product. The neural network in BrainMaker is a collection of neurons (or nodes) which are organized as layers. The neurons in one layer are connected to neurons in a next layer. Neurons from one layer receive information from neurons in the previous layer and send results to neurons in the next layer (see pg. 1-10 of BrainMaker). BrainMaker discloses how neural networks

can learn by example and repetition to generate an appropriate output in response to input facts (see pg. 1-7). BrainMaker depicts a three layer structure with an input layer, a hidden layer, and an output layer in which a range of facts may be input via the first layer, then considered by the second (hidden) layer, and output via the third (output) layer. During a learning process, the neural network does not always generate an appropriate output based on the input. For example, the network may output a "bad value" (see pg. 4-2 of BrainMaker). The neural network may be trained to decrease the number of such "bad values" (see pgs. 4-2 and 4-3 of BrainMaker).

The Examiner asserts, in paragraph 7, that the nodes in BrainMaker are considered to correspond to the claimed "individuals" in the pending claims. However, this assertion overstates what the nodes in BrainMaker can reasonably be considered to teach with respect to the specific features of the pending claims. For example, claim 5 recites, among other features, an input unit for inputting information about a period of an experience of acquiring knowledge, information about knowledge acquired from the experience, and information about an individual possessing the knowledge. BrainMaker does not teach such a combination of features, or the features in which these values are subjected to further analysis and presentation, based on the relied-upon disclosure of an input node.

The broad interpretation that a neural network *per se* somehow teaches all of the features of the pending claims does not properly address the specifically recited features regarding types of input information and analyzing processes of the present subject matter. As discussed further below, it is unreasonable to consider the processing of any conventional data by BrainMaker to teach these features. This is particularly true with respect to, for example, method claims 22-26 that include processing methods for managing knowledge based on personal experiences for reuse of knowledge which converts an experience gained

from a past activity into knowledge by a knowledge creating process and applied the knowledge to a new activity.

In reviewing the anticipation standard, the Federal Circuit has stated "[t]o anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375 (Fed. Cir. 2001), *cert. denied*, 122 S. Ct. 1436 (2002) (emphasis added). *See also Sandisk Corp. v. Lexar Media, Inc.*, 91 F. Supp. 2d 1327, 1336 (N.D. Calif. 2000) (stating that "[u]nless all the elements are found in a single piece of prior art in exactly the same situation and united the same way to perform the identical function, there is no anticipation.") and *Aero Industries Inc. v. John Donovan Enterprises-Florida Inc.*, 53 USPQ2d 1547, 1555 (S.D. Ind. 1999) (stating that "[n]ot only must a prior patent or publication contain all of the claimed elements of the patent claim being challenged, but they 'must be arranged as in the patented device' "). This standard for anticipation is also set forth in MPEP §2131, which states that "the identical invention must be shown in as much detail as is contained in the ... claim." (emphasis added). The application of BrainMaker to the features of the pending claims fails to meet this standard at least because BrainMaker does not disclose all of the features of the claims, in as much detail as the claims, and arranged as in the claims, as indicated above, and discussed further below.

Regarding claims 5, 6, 19, 20, 25 and 26, the Office Action asserts that BrainMaker discloses an analysis unit for analyzing the inputted information to determine a propagation state and propagation velocity of knowledge among a plurality of individuals. The Office Action alleges that (1) the hidden layer of BrainMaker corresponds to the claimed analysis unit, (2) the error related to the number of runs corresponds to outputting an analyzed propagation state, and (3) the graph "indicating a rate of change by the slope" corresponds to the propagation velocity. However, the presentation of "bad values" as outputs in

BrainMaker does not correspond to a propagation state of knowledge among a plurality of individuals, or propagation velocity of the knowledge among the plurality of individuals, as these terms would be understood by one of ordinary skill in the art, or as used in the context of Applicants' specification and the pending claims.

For example, because the "training data" of BrainMaker does not correspond to the variously recited input information about knowledge recited in the pending claims, erroneous outputs do not reflect or correspond to the propagation of any "knowledge" amongst any of the input nodes of BrainMaker. In this regard, it appears that the Office Action may be relying on an analysis of output information in BrainMaker as corresponding to the analysis of input information in the pending claims. Such an analysis would not satisfy the requirements of the above-described standard for anticipation.

These arguments were discussed during the October 18, 2007 personal interview with the Examiner. The Examiner requested that Applicants point out specific support for the features of propagation state and propagation velocity from Applicants' disclosure in a formal response. In response to the Examiner's request, Applicants direct the Examiner to, for example, paragraphs [0042], and [0087]-[0093], and Figs. 19 and 20, of Applicants disclosure, as filed.

As indicated above, and in light of the ordinary and customary meaning of the claim terms as they would be understood by one of ordinary skill in the art considering the claims and specification as a whole, BrainMaker does not teach at least a corresponding determination of a propagation state and propagation velocity of knowledge among a plurality of individuals.

Claims 7-9, 16-18 and 22-24 variously recite analyzing or inputting information to identify (1) an activity corresponding to an experience from which knowledge has been acquired and an activity to which the knowledge has been applied; (2) a knowledge creation

process which converts an experience into knowledge and a knowledge creation process which applies knowledge to a new activity; or (3) a job category where the experience has been gained, and information about a job category to which the knowledge has been applied. As indicated above, the Office Action appears to be relying on the output of BrainMaker to allegedly correspond to the claimed inputs and analysis of inputs. This analysis fails to meet the standard for anticipation under 37 U.S.C. §102, and fails to meaningfully address the variously recited features arranged as in the claims.

These arguments were discussed during the October 18, 2007 personal interview with the Examiner. The Examiner requested that Applicants point out specific support for the features of an activity corresponding to an experience from which knowledge has been acquired and an activity to which the knowledge has been applied; a knowledge creation process which converts an experience into knowledge and a knowledge creation process which applies knowledge to a new activity; and a job category where the experience has been gained, and information about a job category to which the knowledge has been applied, from Applicants' disclosure in a formal response. In response to the Examiner's request, Applicants direct the Examiner to, for example, paragraphs [0041]-[0042], [0046], [0053] and [0055], and Figs. 6 and 7, of Applicants disclosure, as filed.

As indicated above, and in light of the ordinary and customary meaning of the claim terms as they would be understood by one of ordinary skill in the art considering the claims and specification as a whole, BrainMaker does not teach a corresponding analyzing, or inputting, information to identify an activity corresponding to an experience from which knowledge has been acquired and an activity to which the knowledge has been applied; a knowledge creation process which converts an experience into knowledge and a knowledge creation process which applies knowledge to a new activity; and a job category where the

experience has been gained, and information about a job category to which the knowledge has been applied, as variously recited in claims 7-9, 16-18 and 22-24.

Claims 10-14 recite, among other features, outputting or displaying various combinations of activities, knowledge creation processes, job categories and periods in two-dimension tables. The Office Action apparently relies on the Figure depicted on page 4-23 of BrainMaker as teaching such features. However, as argued above with respect to claims 7-9, 16-18 and 22-24, any representation of error rates in BrainMaker does not correspond to the claimed presentation of calculations based on specific corresponding activities identified through analysis of input data, as variously recited in claims 10-14.

This argument was discussed during the October 18, 2007 personal interview with the Examiner. The Examiner indicated that further review would be required in view of Applicants' argument.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 5-14, 16-20 and 22-26 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JEG/clf

Attachment:
Petition for Extension of Time

Date: November 8, 2007

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